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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,358	07/25/2003	Peter Migaly	290194-00001	2456
7590	08/13/2009		EXAMINER	
DR. PETER MIGALY P.O. BOX 237 BLAIRSVILLE, PA 15717			OLSON, ERIC	
			ART UNIT	PAPER NUMBER
			1623	
			MAIL DATE	DELIVERY MODE
			08/13/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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AUG 13 2009

DR. PETER MIGALY  
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 BLAIRSVILLE PA 15717

In re Application of :  
 Peter Migaly :  
 Serial No.: 10/627,358 : PETITION  
 Filed: July 23, 2003 :  
 :  
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This is in reply to the renewed petition filed July 22, 2009, under 37 CFR § 1.181, “on objections on procedural matters, ... and to overrule a subordinate...”

#### DISCUSSION

The instant application is under non-final rejection.

Applicant argues, *inter alia*, that actions by the examiner are unacceptable such as “the use of pseudoscientific techniques by the examiners, and to the fact that the examiners were showing evidence that they did not even read the application and replies in its entirely.”

Applicant points have been carefully considered but they are not persuasive. Note the rule regarding Petitions which sets forth the following:

**Rule 1.181 Petition to the Director:**

(a) Petition may be taken to the Director:

(1) From any action or requirement of any examiner in the *ex parte* prosecution of an application, or in *ex parte* or *inter partes* prosecution of a reexamination proceeding which is not subject to appeal to the Board of Patent Appeals and Interferences or to the court;..

It is pointed out that the petition does not set forth “any specific action or requirement of any examiner” which is in **error** (emphasis added). Applicant’s “objections on procedural matters, ... to overrule a subordinate” does not constitute grounds in which to petition. Therefore, since no error due to a specific action or requirement of the examiner is alleged, applicants’ points are not properly petitionable.

In view of the above reason, the petition is **DENIED**.

However, the examiner will again be instructed to consider applicant's points set forth in the instant petition when the next action is prepared.

Any renewed petition must be submitted within TWO MONTHS of the mail date of this decision in order to be considered timely.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.



Michael Wityshyn  
Acting Director, Technology Center 1600